

REMARKS

This paper responds to the Office Action dated February 24, 2003.

Drawings. The Examiner states that a "means (for) testing" from Claim 2 should be shown on a drawing.

Claim 2 recites:

means testing the packet-switched communications channel.

Figure 1 was amended in the response dated June 27, 2002 to show such means with reference numerals 510, 511, with the changes shown in red. For the Examiner's convenience, another copy of the amended Fig. 1 is attached, showing the means with reference numerals 510, 511.

Language has been added at page 7 to discuss the new reference numerals 510, 511. This amendment does not add new matter because the means was in claim 2 when the application was filed.

Claim objections. The Examiner objects to the specification as not providing antecedent basis for certain claim language, namely:

Claims 2 and 8, line 2, "on-demand communications channel," and claim 5, line 2, "ISDN." The specification has been amended at page 8, copying the quoted language from claims 2, 5, and 8 into the specification. Because these claims were in the application as filed, the amendment does not add new matter. The copied language at page 8 thus provides antecedent basis for the quoted language.

Claim 3, line 2, "excessive latency." Latency is discussed in the specification at page 7, lines 19-

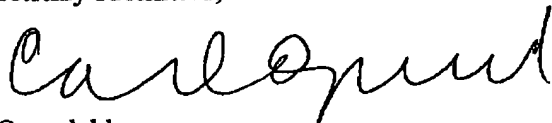
21.

Reconsideration is requested.

Allowable subject matter. The Examiner has stated that claims 2, 3, 5 and 8 would be allowable if recast in independent form. New claims 16-19 have been added for this reason. Attached are forms PTO/SB/22 and PTO-2038. Any deficiency in fees may be charged to our deposit account 15-0610.

This application is to be examined "out of order." Applicant notes that the Patent Office is obligated to continue its examination of this application "out of order" pursuant to 37 CFR § 1.496, last sentence. It is respectfully requested that this application be duly considered "out of order."

Respectfully submitted,



Carl Oppedahl
PTO Reg. No. 32,746
Oppedahl & Larson LLP
P O Box 5068
Dillon, CO 80435-5068
email oppedahl@patents.com
telephone 970-468-6600

OFFICIAL

FAX RECEIVED

AUG 22 2003

GROUP 2600

